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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 JAMES WILLIAM ROBINSON,  
12 aka WILLIAMS WINN,

13 Petitioner,

14 v.

15 F. X. CHAVEZ, Warden,

16 Respondent.  
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18

Case No. CV 09-9324 CAS (JCG)

**ORDER ADOPTING FINDINGS,  
CONCLUSIONS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE AND  
DENYING CERTIFICATE OF  
APPEALABILITY**

19 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended  
20 Petition, all of the records herein, the Report and Recommendation of the United  
21 States Magistrate Judge, Petitioner's Objections to the Report and Recommendation,  
22 and has made a *de novo* determination. The Court approves and adopts the  
23 Magistrate Judge's Report and Recommendation.

24 In his Objections, Petitioner contends that, to the extent he failed to properly  
25 present his claims to the California Supreme Court, he was prevented from doing so  
26 by obstacles he encountered at the prison where he was incarcerated. (*See* Objs. at  
27 2; Pet.'s Decl. at ¶¶ 1-16.) But his arguments concerning exhaustion do not affect  
28 the outcome because the Magistrate Judge addressed Petitioner's claims on the

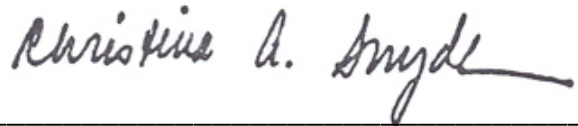
1 merits. As for Petitioner's substantive arguments (Objs. at 13-17), Petitioner  
2 essentially restates those made in the First Amended Petition. Those arguments lack  
3 merit for the reasons stated in the Report and Recommendation.

4 Additionally, for the reasons stated in the Report and Recommendation, the  
5 Court finds that Petitioner has not made a substantial showing of the denial of a  
6 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
7 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of  
8 appealability.

9 Accordingly, having made a *de novo* determination of those portions of the  
10 Report and Recommendation to which objection was made, IT IS ORDERED  
11 THAT:

- 12 1. Judgment shall be entered dismissing the action with prejudice.
- 13 2. The Clerk shall serve copies of this Order and the Judgment herein on  
14 the parties.
- 15 3. A Certificate of Appealability is denied.

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18 DATED: September 2, 2011



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20 HON. CHRISTINA A. SNYDER  
21 UNITED STATES DISTRICT JUDGE  
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